

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 5, 2003

IN RE:

COMPLETE CHOICE PLUS VOICE MAIL  
PROMOTION -- Tariff number: 2003229

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DOCKET NO.  
03-00230

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ORDER APPROVING TARIFF

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This matter came before Chairman Sara Kyle, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on April 7, 2003, for consideration of the Complete Choice Plus Voice Mail Promotion -- Tariff Number 2003229 ("*Tariff*"), filed by BellSouth Telecommunications, Inc. ("BellSouth").

BellSouth filed the *Tariff* on March 10, 2003 as a special promotion on one day's notice. The promotion provides BellSouth voice mail service at no charge to new residential customers purchasing BellSouth Complete Choice during the promotional period beginning March 11, 2003 and continuing through June 10, 2003. Subscribing customers will continue to receive voice mail service at no charge as long as they continue to subscribe to BellSouth Complete Choice service, however customers are not required to sign a contract and may cancel service at any time without incurring a termination charge.

**Findings**

The Authority's well established definition of a special promotion is that a special promotion is a temporary waiver (ninety days or less) of certain recurring and/or nonrecurring charges or a one-time credit to a subscriber's account. Special promotions may be filed to become effective after one


day's notice to the Authority.<sup>1</sup> Although this filing does not strictly meet the criteria for a special promotion as established in TRA Docket No. 99-00936, the *Tariff* is somewhat unique. BellSouth is not required to offer voice mail to resellers at the wholesale rate because voice mail is an information service, not a telecommunications service.<sup>2</sup> The offering of voice mail at a promotional discount is predicated upon the customer subscribing to Complete Choice service, which is a telecommunications service. Therefore, the Authority finds that this offering is a regulated offering and, because it has the potential to extend beyond ninety days, it constitutes a long term promotion. In this instance, the Authority finds it would be in the public interest to approve the *Tariff* and waive the thirty day filing requirement pursuant to Tenn. Comp. R. & Regs. 1220-1-1-.05.

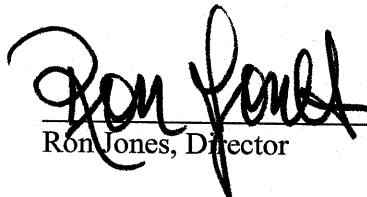
Based on the foregoing findings and conclusions, the panel voted unanimously to waive the thirty-day filing requirement and approve the *Tariff*.

**IT IS THEREFORE ORDERED THAT:**

The Complete Choice Plus Voice Mail Promotion – Tariff Number 2003229 filed by BellSouth Telecommunications, Inc. is approved.

  
Sara Kyle, Chairman

  
Pat Miller, Director

  
Ron Jones, Director

<sup>1</sup> See *In re: BellSouth Tariff to Offer a Special Promotion for Business Customers Subscribing to Exchange Lines With Hunting*, Docket No. 99-00936, *Order Denying Tariff*, p. 7 (November 7, 2000).

<sup>2</sup> See *Common Carrier Action; Commission Submits Report to Congress on Universal Service*, CC Docket 96-45, 1998 FCC LEXIS 1726, ¶ 75 (April 10, 1998).